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December 4, 2020

VIA ELECTRONIC FILING

The Honorable Sanket J. Bulsara
Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: *Elliott v. Donegan, et al.*,
Civil Case No.: 1:18-cv-05680-LDH-SJB**

Dear Magistrate Judge Bulsara,

We represent Plaintiff, Stephen Elliott, in the above-referenced matter and submit this letter in connection with parties' joint letter, dated November 23, 2020, seeking amendment of a previously-approved confidentiality order and seeking an additional order with protections for a non-party document subpoena Plaintiff intends to serve on *The New Republic*. See ECF 74 (the "joint letter"). Plaintiff writes to notify Your Honor of his intention to serve said subpoena with a copy of the proposed order pending the Court's approval of same.

In support of the parties' joint letter, dated November 23, 2020, the parties submitted a proposed order, to protect the identity of third parties who may have revealed experiences of sexual harassment, assault or abuse, which Plaintiff intended to annex to his subpoena to *The New Republic*. See ECF 74-3 (the "proposed order"). The proposed order was consistent with an Order Your Honor previously approved, which provided similar protections to third parties in connection with Plaintiff's service of a subpoena on Google seeking personal identifying information of Google account holders. See ECF 35-1. Plaintiff has not yet served the subpoena on *The New Republic*, for want of the entered protective order.

As discovery related to Defendant Donegan's Communications Decency Act defense is currently scheduled to close on December 18, 2020, Plaintiff intends to serve the subpoena on *The New Republic*, with a copy of the proposed order, in anticipation of the Court's acceptance of the confidentiality protections (Exhibit A). Plaintiff shall notify *The New Republic* that an entered version of the proposed order will be provided immediately upon receipt of same, although prior to the return date of the attached subpoena.



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Plaintiff intends to serve the annexed subpoena to merely provide the recipient with sufficient notice of the request. The undersigned counsel has conferred with counsel for Defendant Moira Donegan and counsel consents to Plaintiff's service of the subpoena with the proposed order attached, so long as Plaintiff provides the final order entered by the Court to *The New Republic* prior to the subpoena's return date.

Should Your Honor want to discuss the proposed order, the parties remain available to appear for a status conference to discuss the proposed orders pending before the Court. The parties thank Your Honor, for the Court's courtesy and consideration.

Very truly yours,

By: /s/ N.E. Lewis
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